

# Montana State Legislature

## **2013 Session**

### **ADDITIONAL DOCUMENTS MAY INCLUDE THE FOLLOWING:**

- **Business Report**
- **Roll Call - Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports etc.**
- **Roll Call Votes**
- **Informational Items**
- **Witness Statements**
- **Any Documents; such as;**
  - \* **Petitions if any.**
  - \* **Any and all material handed end after the meeting ends.**

**The original is on file at the  
Montana Historical Society  
and may be viewed there.**

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**BUSINESS REPORT**

**MONTANA HOUSE OF REPRESENTATIVES  
63rd LEGISLATURE - REGULAR SESSION**

**HOUSE JUDICIARY COMMITTEE**

**Date:** Friday, March 15, 2013  
**Place:** Capitol

**Time:** 8:00 AM  
**Room:** 137

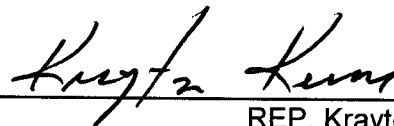
**BILLS and RESOLUTIONS HEARD:**

SB 107 - Generally revise deviate sexual conduct laws - Sen. Tom Facey  
SB 194 - Restrict the use of strip and body cavity searches - Sen. Anders Blewett

**EXECUTIVE ACTION TAKEN:**

|        |                            |
|--------|----------------------------|
| SB 133 | Be concurred in as amended |
| SB 259 | Be concurred in as amended |
| SB 267 | Be concurred in            |
| SB 337 | Be concurred in            |
| SB 372 | Postponed                  |
| SJ 18  | Be concurred in as amended |

**Comments:**



REP. Krayton Kerns, Chair

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**JUDICIARY COMMITTEE**

DATE: 3/15/2013

| <u>NAME</u>                       | <u>PRESENT</u> | <u>ABSENT/<br/>EXCUSED</u> |
|-----------------------------------|----------------|----------------------------|
| REP. JERRY BENNETT, VICE CHAIR    | X              |                            |
| REP. MARGIE MACDONALD, VICE CHAIR |                | Exc                        |
| REP. ALAN DOANE                   |                | Exc                        |
| REP. CAROLYN PEASE-LOPEZ          |                | Exc                        |
| REP. KEITH REGIER                 | X              |                            |
| REP. VIRGINIA COURT               |                | Exc                        |
| REP. CLAYTON FISCUS               | X              |                            |
| REP. BRIDGET SMITH                | X              |                            |
| REP. DENNIS LENZ                  | X              |                            |
| REP. JENNY ECK                    |                | Exc                        |
| REP. KIRK WAGONER                 | X              |                            |
| REP. SARAH LASZLOFFY              | X              |                            |
| REP. WENDY WARBURTON              | X              |                            |
| REP. ELLIE BOLDMAN HILL           |                | Exc                        |
| REP. JERRY O'NEIL                 | X              |                            |
| REP. JENIFER GURSKY               |                | Exc                        |
| REP. DAVID HALVORSON              | X              |                            |
| REP. RYAN LYNCH                   |                | Exc                        |
| REP. MARK BLASDEL                 |                | Exc                        |
| REP. KRAYTON KERNS, CHAIR         | X              |                            |



## HOUSE STANDING COMMITTEE REPORT

March 15, 2013

Page 1 of 2

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Joint Resolution 18** (third reading copy -- blue) **be concurred in as amended.**

Signed: Krayton Kerns  
Representative Krayton Kerns, Chair

To be carried by Representative David Halvorson

**And, that such amendments read:**

1. Title, page 1, line 7.

**Following:** "BUDGET,"

**Insert:** "ANNUALLY PRODUCE A BALANCED BUDGET,"

**Following:** "ANNUAL"

**Insert:** "ANNUAL"

**Following:** "LEVELS,"

**Insert:** ", "

2. Page 1, line 30.

**Following:** line 29

**Insert:** "WHEREAS, the fiscal policies of the United States federal government have placed our country on an untenable path, creating unprecedented debt, hindering job creation, and threatening future generations of Montanans with a bleak future; and

WHEREAS, high levels of debt directly threaten the ability of a government to control its own budget priorities; and

WHEREAS, our nation's fiscal crisis threatens our economy and national security, has contributed to a loss of trust in government, and exposes individual states to dire economic times; and

WHEREAS, the federal government in 2011 raised the debt

**Committee Vote:**

**Yes 12, No 8**

Fiscal Note Required ☐

SJ0018001SC14539.hjk

TC 3-15-13  
1:40



ceiling to prevent the United States from facing its first ever default; and

WHEREAS, the interest expense on our national debt exceeds \$151 billion for fiscal year 2013, and by 2023, interest on the national debt is estimated to be nearly \$900 billion; and

WHEREAS, payments on our nation's debt exceed \$200 billion annually, and as a result, the credit rating of the United States in 2011 was lowered for the first time; and

WHEREAS, by borrowing revenue from the future and spending it today, our nation's debt is being passed on to future generations who have no say in the decisionmaking process; and

WHEREAS, passing our debt to the next generation is contradictory to the American principle of leaving our nation, states, and local communities in better shape than we found them; and

WHEREAS, the federal debt threatens the livelihood of Montana's veterans; and

WHEREAS, the federal cost of Medicaid expansion across all states is projected to add \$931 billion or nearly \$1 trillion to the national debt; and"

3. Page 2, line 8.

**Following:** line 7

**Insert:** "WHEREAS, the people of Montana expect and demand the same of our federal government; and

WHEREAS, the federal government has failed to approve a budget since 2009 and has not produced a balanced budget since 2001; a budget is not only a constitutional requirement, it is a fundamental responsibility and a reflection of principles and vision; and"

4. Page 2, line 14.

**Following:** "~~budget,~~"

**Insert:** "annually produce a balanced budget,"

**Following:** "~~annual~~"

**Insert:** "annual"

**Following:** "~~levels,~~"

**Insert:** ", "

- END -



## HOUSE STANDING COMMITTEE REPORT

March 15, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 259** (third reading copy -- blue) be concurred in as amended.

Signed: Krayton Kerns  
Representative Krayton Kerns, Chair

To be carried by Representative Sarah Laszloffy

**And, that such amendments read:**

1. Page 1, line 25.

**Following:** "shall"

**Insert:** ":

(a) "

2. Page 1, line 27.

**Following:** "person"

**Insert:** "; and

(b) inform the person whose conviction has been vacated under this section that the person may be eligible for certain state and federal programs and services and provide the person with information for contacting appropriate state and federal victim services organizations"

- END -

**Committee Vote:**

**Yes 20, No 0**

**Fiscal Note Required** \_\_

SB0259001SC15252.hjk

DL 3-15-13  
1:40



## HOUSE STANDING COMMITTEE REPORT

March 15, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 133** (third reading copy -- blue) **be concurred in as amended.**

Signed: Krayton Kerns  
Representative Krayton Kerns, Chair

To be carried by Representative Kirk Wagoner

**And, that such amendments read:**

1. Title, page 1, line 6.

**Following:** "PERMIT;"

**Insert:** "ALLOWING CERTAIN PERSONS TO CARRY A CONCEALED WEAPON IN PROHIBITED PLACES; DELETING THE PROVISION PROVIDING THAT IT IS NOT A DEFENSE THAT THE PERSON HAD A VALID PERMIT TO CARRY A CONCEALED WEAPON;"

2. Page 2, line 2 through line 4.

**Strike:** "legislative" on line 2 through "45-8-317(1)(1)" on line 4

**Insert:** "persons listed in 45-8-317(1)(a) through (1)(h), (1)(k), and (1)(1)"

3. Page 2, line 16.

**Following:** "(2)"

**Strike:** "It is not a defense" through "weapon."

- END -

**Committee Vote:**

**Yes 20, No 0**

Fiscal Note Required ☐

SB0133001SC15257.hjk

DC 3-15-13  
1:40



## HOUSE STANDING COMMITTEE REPORT

March 15, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 337** (third reading copy -- blue) **be concurred in.**

Signed: \_\_\_\_\_

*Krayton Kerns*  
Representative Krayton Kerns, Chair

To be carried by Representative Dennis Lenz

- END -

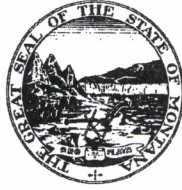
**Committee Vote:**

**Yes 11, No 9**

Fiscal Note Required ☐

SB0337001SC15249.hjk

DC 3-15-13  
12:05



Karen  
Room 475

## HOUSE STANDING COMMITTEE REPORT

March 15, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **Senate Bill 267** (third reading copy -- blue)  
**be concurred in.**

Signed: Krayton Kerns  
Representative Krayton Kerns, Chair

To be carried by Representative Steve Fitzpatrick

- END -

**Committee Vote:**

**Yes 18, No 2**

Fiscal Note Required ☐

SB0267001SC12595.hjk

DL 12:45  
3-15-13

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE: 3/15/2013 BILL NO SJ18 MOTION NO. amendment  
MOTION: SB0001802.ajc

| NAME                              | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|-----------------------------------|-----|----|--|
| REP. JERRY BENNETT, VICE CHAIR    | X   |    |  |
| REP. MARGIE MACDONALD, VICE CHAIR |     | X  |  |
| REP. ALAN DOANE                   | X   |    | pr   |
| REP. CAROLYN PEASE-LOPEZ          |     | X  | pr   |
| REP. KEITH REGIER                 | X   |    |  |
| REP. VIRGINIA COURT               |     | X  |  |
| REP. CLAYTON FISCUS               | X   |    |  |
| REP. BRIDGET SMITH                |     | X  |  |
| REP. DENNIS LENZ                  | X   |    |  |
| REP. JENNY ECK                    |     | X  |  |
| REP. KIRK WAGONER                 | X   |    |  |
| REP. SARAH LASZLOFFY              | X   |    |  |
| REP. WENDY WARBURTON              | X   |    |  |
| REP. ELLIE BOLDMAN HILL           |     | X  |  |
| REP. JERRY O'NEIL                 | X   |    |  |
| REP. JENIFER GURSKY               |     | X  |  |
| REP. DAVID HALVORSON              | X   |    |  |
| REP. RYAN LYNCH                   |     | X  |  |
| SPEAKER MARK BLASDEL              | X   |    | pr   |
| REP. KRAYTON KERNS, CHAIR         | X   |    |  |

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**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE: 3/15/2013 BILL NO. 5118 MOTION NO. he concurred in as amended  
MOTION: \_\_\_\_\_

| NAME                              | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|-----------------------------------|-----|----|--|
| REP. JERRY BENNETT, VICE CHAIR    | X   |    |  |
| REP. MARGIE MACDONALD, VICE CHAIR |     | X  |  |
| REP. ALAN DOANE                   | X   |    | pr   |
| REP. CAROLYN PEASE-LOPEZ          |     | X  | pr   |
| REP. KEITH REGIER                 | X   |    |  |
| REP. VIRGINIA COURT               |     | X  |  |
| REP. CLAYTON FISCUS               | X   |    |  |
| REP. BRIDGET SMITH                |     | X  |  |
| REP. DENNIS LENZ                  | X   |    |  |
| REP. JENNY ECK                    |     | X  |  |
| REP. KIRK WAGONER                 | X   |    |  |
| REP. SARAH LASZLOFFY              | X   |    |  |
| REP. WENDY WARBURTON              | X   |    |  |
| REP. ELLIE BOLDMAN HILL           |     | X  |  |
| REP. JERRY O'NEIL                 | X   |    |  |
| REP. JENIFER GURSKY               |     | X  |  |
| REP. DAVID HALVORSON              | X   |    |  |
| REP. RYAN LYNCH                   |     | X  |  |
| REP. MARK BLASDEL                 | X   |    | pr   |
| REP. KRAYTON KERNS, CHAIR         | X   |    |  |

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**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE: 3/15/2013 BILL NO. SB 259 MOTION NO. \_\_\_\_\_  
MOTION: \_\_\_\_\_ SB 859  
amendment SB025902.cht

| <u>NAME</u>                       | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|-----------------------------------|-----|----|--|
| REP. JERRY BENNETT, VICE CHAIR    | X   |    |  |
| REP. MARGIE MACDONALD, VICE CHAIR | X   |    |  |
| REP. ALAN DOANE                   | X   |    | pr   |
| REP. CAROLYN PEASE-LOPEZ          | X   |    | pr   |
| REP. KEITH REGIER                 | X   |    |  |
| REP. VIRGINIA COURT               | X   |    |  |
| REP. CLAYTON FISCUS               | X   |    |  |
| REP. BRIDGET SMITH                | X   |    |  |
| REP. DENNIS LENZ                  | X   |    |  |
| REP. JENNY ECK                    | X   |    |  |
| REP. KIRK WAGONER                 | X   |    |  |
| REP. SARAH LASZLOFFY              | X   |    |  |
| REP. WENDY WARBURTON              | X   |    |  |
| REP. ELLIE BOLDMAN HILL           | X   |    |  |
| REP. JERRY O'NEIL                 |     | X  |  |
| REP. JENIFER GURSKY               | X   |    |  |
| REP. DAVID HALVORSON              | X   |    |  |
| REP. RYAN LYNCH                   | X   |    |  |
| REP. MARK BLASDEL                 | X   |    | pr   |
| REP. KRAYTON KERNS, CHAIR         | X   |    |  |

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1



**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE: 3/15/2013 BILL NO. 259 MOTION NO. \_\_\_\_\_  
 MOTION: be concurred in as amended

| <u>NAME</u>                       | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|-----------------------------------|-----|----|--|
| REP. JERRY BENNETT, VICE CHAIR    | X   |    |  |
| REP. MARGIE MACDONALD, VICE CHAIR | X   |    |  |
| REP. ALAN DOANE                   | X   |    | pr   |
| REP. CAROLYN PEASE-LOPEZ          | X   |    | pr   |
| REP. KEITH REGIER                 | X   |    |  |
| REP. VIRGINIA COURT               | X   |    |  |
| REP. CLAYTON FISCUS               | X   |    |  |
| REP. BRIDGET SMITH                | X   |    |  |
| REP. DENNIS LENZ                  | X   |    |  |
| REP. JENNY ECK                    | X   |    |  |
| REP. KIRK WAGONER                 | X   |    |  |
| REP. SARAH LASZLOFFY              | X   |    |  |
| REP. WENDY WARBURTON              | X   |    |  |
| REP. ELLIE BOLDMAN HILL           | X   |    |  |
| REP. JERRY O'NEIL                 | X   |    |  |
| REP. JENIFER GURSKY               | X   |    |  |
| REP. DAVID HALVORSON              | X   |    |  |
| REP. RYAN LYNCH                   | X   |    |  |
| REP. MARK BLASDEL                 | X   |    | pr   |
| REP. KRAYTON KERNS, CHAIR         | X   |    |  |

26 0

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE: 3/15/2013 BILL NO. ~~1333~~ 337 MOTION NO. be concurred in  
MOTION: \_\_\_\_\_

| NAME                              | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|-----------------------------------|-----|----|--|
| REP. JERRY BENNETT, VICE CHAIR    | X   |    |  |
| REP. MARGIE MACDONALD, VICE CHAIR |     | X  |  |
| REP. ALAN DOANE                   | X   |    | pr   |
| REP. CAROLYN PEASE-LOPEZ          |     | X  | pr   |
| REP. KEITH REGIER                 | X   |    |  |
| REP. VIRGINIA COURT               |     | X  |  |
| REP. CLAYTON FISCUS               | X   |    |  |
| REP. BRIDGET SMITH                |     | X  |  |
| REP. DENNIS LENZ                  | X   |    |  |
| REP. JENNY ECK                    |     | X  |  |
| REP. KIRK WAGONER                 | X   |    |  |
| REP. SARAH LASZLOFFY              | X   |    |  |
| REP. WENDY WARBURTON              | X   |    |  |
| REP. ELLIE BOLDMAN HILL           |     | X  |  |
| REP. JERRY O'NEIL                 |     | X  |  |
| REP. JENIFER GURSKY               |     | X  |  |
| REP. DAVID HALVORSON              | X   |    |  |
| REP. RYAN LYNCH                   |     | X  |  |
| REP. MARK BLASDEL                 | X   |    | pr   |
| REP. KRAYTON KERNS, CHAIR         | X   |    |  |

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**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE: 3/15/2013 BILL NO. SB 267 MOTION NO. \_\_\_\_\_  
MOTION: \_\_\_\_\_ amendment SB 026701. aht

| <u>NAME</u>                       | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|-----------------------------------|-----|----|--|
| REP. JERRY BENNETT, VICE CHAIR    |     | X  |  |
| REP. MARGIE MACDONALD, VICE CHAIR |     | X  |  |
| REP. ALAN DOANE                   |     | X  | pr   |
| REP. CAROLYN PEASE-LOPEZ          |     | X  | pr   |
| REP. KEITH REGIER                 |     | X  |  |
| REP. VIRGINIA COURT               |     | X  |  |
| REP. CLAYTON FISCUS               |     | X  |  |
| REP. BRIDGET SMITH                |     | X  |  |
| REP. DENNIS LENZ                  |     | X  |  |
| REP. JENNY ECK                    |     | X  |  |
| REP. KIRK WAGONER                 |     | X  |  |
| REP. SARAH LASZLOFFY              |     | X  |  |
| REP. WENDY WARBURTON              | X   |    |  |
| REP. ELLIE BOLDMAN HILL           |     | X  |  |
| REP. JERRY O'NEIL                 | X   |    |  |
| REP. JENIFER GURSKY               |     | X  |  |
| REP. DAVID HALVORSON              |     | X  |  |
| REP. RYAN LYNCH                   |     | X  |  |
| REP. MARK BLASDEL                 |     | X  | pr   |
| REP. KRAYTON KERNS, CHAIR         |     | X  |  |

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## JUDICIARY COMMITTEE

he concurred in

REP. KRAYTON KERNS, CHAIR

# AUTHORIZED COMMITTEE PROXY

I request to be excused from the Judiciary Committee

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Margie MacDonald

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

| BILL/AMENDMENT        | AYE | NO | BILL/AMENDMENT | AYE | NO |
|-----------------------|-----|----|----------------|-----|----|
| SV 001802.AJC         |     | X  |                |     |    |
| SV 18                 |     | X  |                |     |    |
| SB 020902.alh         | X   |    |                |     |    |
| SB 259                | X   |    |                |     |    |
| SB 013301.AHT         | X   |    |                |     |    |
| SB 133                | X   |    |                |     |    |
| SB 3 <del>37</del> 37 |     | X  |                |     |    |
| SB 026701.AHT         |     | X  |                |     |    |
| SB 267                | X   |    |                |     |    |
|                       |     |    |                |     |    |
|                       |     |    |                |     |    |
|                       |     |    |                |     |    |
|                       |     |    |                |     |    |
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|                       |     |    |                |     |    |
|                       |     |    |                |     |    |

Rep. Candyn Peace-Jones  
(Signature)

Date 3-15-13



# AUTHORIZED COMMITTEE PROXY

I request to be excused from the \_\_\_\_\_

Committee because of other commitments. I desire to leave my proxy vote with:

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

|     |                   |              |   |
|-----|-------------------|--------------|---|
|     | SJ 18             | X            |   |
| AMD | SJ001802.AJC      | X            |   |
|     | SB 259            | X            |   |
| AMD | SB025902.AHT      | X            |   |
|     | SB 133            | X            |   |
| AMD | SB013301.AHT      | X            |   |
|     | <del>SB 372</del> | <del>X</del> |   |
|     |                   |              |   |
|     | SB 337            | X            |   |
|     |                   |              |   |
|     | SB 267            | X            |   |
| AMD | SB026701.AHT      |              | X |
|     |                   |              |   |
|     |                   |              |   |

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Rep. \_\_\_\_\_

(Signature)

Date 3/15/13



# AUTHORIZED COMMITTEE PROXY

I request to be excused from the Judiciary

Committee because of other commitments. I desire to leave my proxy vote with:

Jimmy Bennett

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

|     |                   |              |   |
|-----|-------------------|--------------|---|
|     | SS 18             | X            |   |
| AMD | SB001802, ALC     | X            |   |
|     | SB 259            | X            |   |
| AMD | SB025902, Aht     | X            |   |
|     | SB 133            | X            |   |
| AMD | SB013301, AHT     | X            |   |
|     | <del>SB 372</del> | <del>X</del> |   |
|     |                   |              |   |
|     | SB 337            | X            |   |
|     |                   |              |   |
|     | SB 267            | X            |   |
| AMD | SB026701, AHT     | <del>X</del> | X |
|     |                   |              |   |
|     |                   |              |   |

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Alan

Rep.

Jimmy Dore  
(Signature)

Date 3/15/13







**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Friday, March 15, 2013**

**SB 107 - Generally revise deviate sexual conduct laws**

**Sponsor: Sen. Tom Facey**

**PLEASE PRINT**

| Name              | Representing            | Support | Oppose | Info |
|-------------------|-------------------------|---------|--------|------|
| Mike Wessler      |                         | ✓       |        |      |
| Nade Zolynski     |                         | ✓       |        |      |
| Dallas Erickson   | MCDL                    |         | ✓      |      |
| Sam L Rossi       | MLADSV                  | X       |        |      |
| MARK MURPHY       | MECA                    | X       |        |      |
| Olivia Riutta     | Montana Women's Lobby   | X       |        |      |
| Jeff Laszloffy    | MT Family Foundation    |         | ✓      |      |
| Niki Zupanic      | ACLU of MT              | ✓       |        |      |
| Linda Gryczan     | MT Women's Lobby        | ✓       |        |      |
| Jamee Greer       | MT HUMAN RIGHTS NETWORK | ✓       |        |      |
| Kim Leighton      | NARAL Pro-Choice MT     | ✓       |        |      |
| Lindsay Loe       | PPA MT                  | ✓       |        |      |
| Linda J. Loendorf |                         |         | ✓      |      |
| WALTER M LOENDORF |                         |         | ✓      |      |
| Kath Hamm         |                         | ✓       |        |      |
|                   |                         |         |        |      |
|                   |                         |         |        |      |
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|                   |                         |         |        |      |

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Friday, March 15, 2013**

## SB 194 - Restrict the use of strip and body cavity searches

Sponsor: **Sen. Anders Blewett**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**